IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.665 OF 2006
IN
CRIMINAL APPEAL NO.1073 OF 2005

The State of Maharashtra ...Applicant
Vs.
Panchashil @ Sagar Ramchandra Jain
Jangale ...Respondent

Shri A.S. Shitole, A.P.P. for the Applicant.

CORAM : A. S. OKA, J.
DATE : AUGUST 17, 2006.

P.C.:

1. Heard the learned A.P.P. for the State. The Application filed by the Applicant-State is for cancellation of bail granted in favour of the Respondent-accused by order dated 16th December, 2005 passed in Criminal Application No.7635 of 2005.

2. The Respondent-accused has been convicted for offences punishable under section 376, 342 and 506 of the Indian Penal Code. The accused has been sentenced to suffer rigorous imprisonment for seven years. The victim of the offence committed by the Respondent is wife of one Shivaji Jadhav.

3. The husband of the prosecutrix addressed a

letter dated 22nd March, 2006 to the Hon’ble the Chief Justice stating therein that when he was away for his business activities the Respondent accused visited his house and threatened the prosecutrix. When the said letter was brought to the notice of this court, an order was passed on 20th April, 2006 directing the police to investigate in to the matter. The order dated 20th June, 2006 notes that the State filed an affidavit supporting the allegations made in the letter send by the husband of the prosecutrix. The matter was adjourned on 20th June, 2006 to enable the Applicant-State to take out Application for cancellation of bail. Accordingly, present Application has been taken out. On 13th July, 2006 this court directed that notice of the Application should be served to the Advocate appearing for the Respondent-accused in the Criminal Appeal. Accordingly, notice was served to the Advocate and affidavit of service was filed alongwith acknowledgment duly signed by the said Advocate. As none appeared for the Respondent-accused, this court by order dated 03rd August, 2006 directed the Applicant-State to serve fresh notice to the Respondent-accused through Mahatma Phule Chowk Police

Station. Accordingly, affidavit of one Shantaram Vitthal Patil, Police Head Constable attached to Mahatma Phule Chowk Police Station, Kalyan dated 08th August, 2006 has been filed stating therein that notice has been duly served to the Respondent. Acknowledgment duly signed by the Respondent-accused has been annexed to the affidavit. The signatures of the Respondent-accused appears on office copy of the letter dated 05th August, 2006 sent by the Public Prosecutor to the Senior Police Inspector as well as on the office copy of the notice dated 05th August, 2006 send by the Public Prosecutor to the Respondent-accused. None appears for the Respondent.

Even the Respondent is not present.

4. In earlier order dated 02nd June, 2006 this court has noted that the State has filed an affidavit substantiating the allegations made by the husband of the prosecutrix in his letter dated 23rd March, 2006. In the order dated 16th December, 2005 it was noted that there is nothing on record to suggest that the Respondent has misused the bail granted during the pendency of the trial. It is stated in the Application that there are certain cases registered

against the Respondent. There is no contest by the Respondent to this Application. In view of the complaint made by the husband of the prosecutrix about threats given by the Respondent to the prosecutrix and in view of the averments made in the Application, case is made out for cancelling the bail which was granted to the Respondent by order dated 16th December, 2005.

5. Hence, I pass the following order:

(i) Bail granted to the Respondent-accused Panchashil @ Sagar Ramchandra Jain Jangale by order dated 16th December, 2005 is hereby cancelled. The Respondent is directed to forthwith surrender to the bail.

JUDGE